

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

M. DIANE KOKEN, in her official capacity :
as Insurance Commissioner of the Commonwealth :
of Pennsylvania, as Liquidator of RELIANCE :
INSURANCE COMPANY (IN LIQUIDATION) :
:
Plaintiff, :
:
v. : NO. 05 CV 223 (SLR)
:
:

GPC INTERNATIONAL, INC.

Defendant.

GPC INTERNATIONAL, INC.

Third-Party Plaintiff,

v.

ZURICH-AMERICAN INSURANCE
COMPANY

Third-Party Defendant.

O R D E R

At Wilmington this 16th day of August 2005, the
Parties having satisfied their obligations under Fed. R. Civ. P.
26(f), and the court having conducted a pretrial scheduling
conference pursuant to Fed. R. Civ. P. 16 and D. Del. LR 16.2(a)
and (b).

IT IS ORDERED that:

1. **Pre-Discovery Disclosures.** The parties will exchange by **August 5, 2005** the information required by Fed. R. Civ. P. 26(a)(1) and D. Del. LR 16.2.

2. **Discovery.**

(a) Discovery will be needed on the following subjects: **policies, claims, retrospective premium calculations, retrospective premium analysis and correspondence.**

(b) All fact discovery shall be commenced in time to be completed by **March 15, 2006**. **All expert discovery shall be commenced in time to be completed by April 14, 2006.**

(c) Maximum of **25** interrogatories by each party to any other party.

(d) The number of requests for admission by each party to any other party **will be in accordance with local Rule 26.1(b)**.

(e) Maximum of **7** depositions by plaintiff and **7** each by defendant and third-party defendant.

(f) Each deposition limited to a maximum of **7** hours unless extended by agreement of parties.

(g) Reports from retained experts under Rule 26(a)(2) on issues for which any party has the burden of proof due by **March 1, 2006**. Rebuttal expert reports due by **March 20, 2006**.

(h) **Discovery Disputes.** Any discovery dispute shall be submitted to the court pursuant to Fed. R. Civ. P. 37.

During the course of discovery, each party is limited to **two (2)** Rule 37 motions. The Court shall make itself available, however, to resolve through a telephone conference, disputes that arise during the course of a deposition and disputes related to entry of a protective order.

3. Joinder of other parties, Amendment of Pleadings, and Class Certification. All motions to join other parties, amend the pleadings, and certify a class action shall be filed on or before **September 12, 2005**.

4. Settlement Conference. Pursuant to 28 U.S.C. § 636, this matter is referred to Magistrate Judge Thynge for the purposes of exploring ADR.

5. Applications by Motion. Any application to the court shall be by written motion filed with the clerk. Unless otherwise requested by the Court, counsel shall not deliver copies of papers or correspondence to chambers. **Any non-dispositive motion shall contain the statement required by D. Del. LR 7.1.1.**

6. Motions in Limine. All motions in limine shall be filed on or before **August 8, 2006**. All responses to said motions shall be filed on or before **August 15, 2006**.

7. Pretrial Conference. A pretrial conference will be held on **Tuesday, August 22, 2006** at 4:30 p.m. in courtroom 6B, sixth floor Federal Building, 844 King Street, Wilmington,

Delaware. The Federal Rules of Civil Procedure and D. Del. LR 16.4 shall govern the pretrial conference. At the pretrial conference, the Court and counsel for the parties will discuss whether the claims of any party are appropriate for resolution by way of summary judgment.

8. **Trial.** This matter is scheduled for a bench trial commencing on **Tuesday, September 5, 2006** in courtroom 6B, sixth floor Federal Building, 844 King Street, Wilmington, Delaware. For purposes of completing pretrial preparations, the parties should plan on being allocated a total number of hours in which to present their respective cases.

Sue L. Robinson
United States District Judge